

Message Text

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SUBJ: FREEDOM OF MOVEMENT; FAMILY REUNIFICATION/VISITS

REF: STATE 46709 AND PREVIOUS

1. IN THE ABSENCE OF VICE MINISTER CZYREK, WHO IS IN SWEDEN THIS WEEK, THE CHARGE CALLED ON DIRECTOR SZEWczyk MARCH 8 TO MAKE THE DEMARCHE (REF) ON FAMILY REUNIFICATION AND VISITS.

2. THE CHARGE BEGAN BY REFERRING TO INSTRUCTIONS HE HAD RECEIVED LAST WEEK TO SEE THE VICE MINISTER ON THIS SUBJECT. THE DECISION TO DISCUSS IT WITH SZEWczyk WAS MADE BECAUSE OF CZYREK'S ABSENCE FROM WARSAW AND BECAUSE WE WERE ANXIOUS TO SEE SOME IMPROVEMENT IN THE MATTER BEFORE AMBASSADOR SCHAUFELE'S ARRIVAL. OUR RAISING IT AT THE DIRECTOR LEVEL BY NO MEANS DIMINISHES THE EARNESTNESS WITH WHICH WE PURSUE THE MATTER OF FREEDOM OF MOVEMENT, WHICH WE VIEW AS ONE OF THE FEW SERIOUS PROBLEMS WE HAVE IN BILATERAL RELATIONS. THE CHARGE THEN REVIEWED THE SUBJECT IN TERMS OF: (A) THE THREE "PROBLEM CASES" (PIKE-BIEGUNSKI, KENNEDY-STROJEK, AND MARIA KOTLARZ) AND FOREIGN MINISTER WOJTASZEK'S PROMISE TO REPORT ON THEM TO SECRETARY VANCE; (B) OUR REPRESENTATION LISTS; AND (C) THE DENIAL OF VISAS

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TO AMERICAN CITIZENS WISHING TO TRAVEL TO POLAND. HE CITED THE POINTS MADE BY ASSISTANT SECRETARY VEST TO POLISH CHARGE PAWLISZEWSKI ON FEBRUARY 9 (STATE 38156), LAYING PARTICULAR STRESS ON THE EFFECT OF THE GOP'S UNRESPONSIVENESS ON THE USG'S ABILITY TO REACT POSITIVELY TO POLISH REQUESTS FOR ECONOMIC AND FINANCIAL ASSISTANCE FROM THE U.S. HE

ADDED THAT HE HOPED SOME IMPROVEMENT IN THE SITUATION WOULD PREVENT THIS SUBJECT FROM CLOUDING THE FIRST WEEKS OF NEW US AND POLISH AMBASSADORS IN WARSAW AND WASHINGTON.

3. SZEWCZYK ACKNOWLEDGED THAT FOREIGN MINISTER WOJTASZEK HAD PROMISED SECRETARY VANCE AN ACCOUNTING OF THE THREE PROBLEM CASES. HE SAID HE ASSUMED THE FOREIGN MINISTRY'S NOTE (WARSAW 1635) OF FEBRUARY 22, 1978, CONSTITUTED THE OFFICIAL POLISH ANSWER ON THE KOTLARZ CASE. THE CHARGE RESPONDED THAT TECHNICALLY THIS MAY BE SO, BUT WE WERE NOT WILLING TO ACCEPT THAT REPLY AS THE FINAL WORD. WE WOULD CONTINUE TO VIEW THIS AS A CASE OF AN AMERICAN CITIZEN BEING DENIED HER RIGHT TO GO HOME. SZEWCZYK REPEATED THE ARGUMENTS IN WARSAW 1754 THAT MARIA KOTLARZ'S OBLIGATIONS LIE IN POLAND, WHERE HER ENTIRE FAMILY LIVES, AND NOT IN THE US.

4. TURNING TO PIKE-BIEGUNSKI, HE SAID HE UNDERSTOOD THIS CASE WAS ON ITS WAY TO RESOLUTION. THE CHARGE SAID THIS WAS OUR ASSUMPTION ALSO. ON KENEDY-STROJEK, SZEWCZYK REPEATED THE NOW-STANDARD LINE THAT THIS WAS A "SECURITY MATTER", AND HE DOUBTED THAT ANYTHING COULD BE DONE. IN ANY EVENT, HE CONCLUDED, HE WOULD TRY TO GIVE US SOON

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THE DEFINITIVE ANSWER ON THE THREE CASES PROMISED BY MINISTER WOJTASZEK. THE CHARGE SAID HE HOPED THIS ANSWER WOULD BE MORE FORTHCOMING THAN THE UNOFFICIAL WORD WE HAD BEEN RECEIVING.

5. TURNING TO THE MORE GENERAL QUESTION OF DIVIDED FAMILIES. SZEWCZYK SAID WE SHOULD EXPECT NO FURTHER ACTION ON THE NAMES ON THE TWO "HARDSHIP LISTS" SUBMITTED BEFORE THE PRESIDENT'S VISIT. HE SAID THE NUMBERS ON APPROVALS, REFUSALS, AND "NO-LONGER-INTERESTED" CITED DURING THE PRESIDENT'S VISIT WERE DEFINITIVE, AND AS FAR AS THE GOP WAS CONCERNED THESE CASES WERE CLOSED. THE CHARGE RESPONDED THAT THIS WAS VERY SURPRISING, SINCE THE POLES HAD GIVEN NO ANSWERS IN A LARGE NUMBER OF CASES ON THOSE LISTS. WE HAD TAKEN THE NUMBERS AND NAMES MENTIONED BEFORE AND DURING THE PRESIDENT'S VISIT TO BE A STATUS REPORT AND HAVE ASSUMED THAT FURTHER ACTION WOULD BE TAKEN IN THE CASE OF PERSONS ABOUT WHOM NOTHING WAS SAID. INDEED IT WAS IN THE HOPE AND EXPECTATION THAT WE COULD GET A MORE PRECISE ACCOUNTING OF EACH CASE THAT WE HAD

PROPOSED A WORKING-LEVEL JOINT REVIEW OF THESE AND OTHER REPRESENTATION LISTS. SZEWCZYK REPEATED THAT EVERYTHING POSSIBLE HAD BEEN DONE ON THOSE "HARDSHIP LISTS", AND WE SHOULD EXPECT NOTHING MORE EXCEPT ON THE OFF-CHANCE THAT A FEW PEOPLE ON THE LISTS MIGHT SUBSEQUENTLY CHANGE THEIR MINDS ABOUT LEAVING POLAND. IN ANY CASE, HE SAID, NO FORMAL JOINT REVIEW MECHANISM WOULD BE AGREED TO BY THE POLISH SIDE. THE CHARGE' SAID WE WOULD CONTINUE TO PRESS FOR THOSE CASES WHICH COME TO OUR ATTENTION, WHETHER ON OLD LISTS OR NEW. AS FOR THE REVIEW PANEL, OUR POSITION WOULD BE DETERMINED BY THE DEGREE OF RESPONSIVENESS WE ENCOUNTER IN GETTING ANSWERS ON SPECIFIC CASES OF INTEREST TO US. SZEWCZYK

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SAID HE THOUGHT THE PRESENT CONTACTS WE HAVE BETWEEN THE MFA CONSULAR DEPARTMENT AND THE EMBASSY'S CONSULAR SECTION OFFER THE BEST AND MOST PRACTICABLE MEANS OF RESOLVING OUR DIFFERENCES OVER NUMBERS AND THE FACTS ON INDIVIDUAL CASES.

6. TURNING TO REFUSALS OF VISAS TO AMERICANS, SZEWCZYK CITED THE RIGHT OF ANY SOVEREIGN GOVERNMENT TO DENY VISAS TO UNDESIRABLE VISITORS. THE USG DOES THIS ALL THE TIME, HE SAID. IN THE CASES SPECIFIED BY THE CHARGE', (WANCJER, SZECHTER AND ZIEMECKI), GOOD REASONS WERE BEHIND THE POLISH DENIALS, REASONS WHICH THE GOP DID NOT FEEL OBLIGATED TO EXPLAIN. THE CHARGE' SAID THIS MAY BE SO IN POLISH EYES, BUT WE ARE DISTURBED BY WHAT APPEARS TO BE AN INCREASE IN SUCH DENIALS AND THE CIRCUMSTANCES SURROUNDING THEM. HE REMINDED SZEWCZYK THAT HE, SZEWCZYK, HAD SAID A FEW WEEKS AGO THAT THE USG MUST "FACE THE CONSEQUENCES" OF ITS INSISTENCE ON HAVING AMBASSADOR LOWENSTEIN MEET WITH "UNDESIRABLE ELEMENTS" DURING HIS RECENT VISIT TO WARSAW. THE SAME COULD BE SAID OF POLISH INTRANSIGENCE ON THIS ISSUE. SZEWCZYK REPLIED THAT THE POLISH SIDE TAKES INTO ACCOUNT THESE POSSIBLE CONSEQUENCES, BUT WILL NEVER SUCCUMB TO THE "BLACKMAIL" OF PUBLIC OR CONGRESSIONAL CRITICISM IN THE US.

7. THE DISCUSSION CONCLUDED WITH THE CHARGE' AGAIN ASKING FOR AN EARLY DELIVERY ON MINISTER WOJTASZEK'S PROMISE TO SECRETARY VANCE TO ACCOUNT FOR THE THREE PROBLEM CASES. HE REPEATED THE IMPORTANCE WE ATTACH TO SOME GENERAL IMPROVEMENT ON THE WHOLE QUESTION OF FREEDOM OF MOVEMENT AND DIVIDED

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FAMILIES. SZEWCZYK PROMISED TO PROVIDE AN OFFICIAL RESPONSE "SOON", BUT HE WAS NOT OPTIMISTIC THAT WE WOULD BE SATISFIED WITH IT.

8. COMMENT: OUR LATEST ROUND OF DISCUSSIONS IN BOTH WASHINGTON AND WARSAW DO NOT SEEM TO HAVE ADVANCED US VERY FAR. OUR RECOMMENDATION, THEREFORE, IS TO LEAVE THIS ISSUE ON THE FRONT BURNER, AND, AS TROUBLESOME AS IT IS, TO SADDLE THE TWO NEW AMBASSADORS WITH IT FROM THE BEGINNING. END COMMENT.

BROWN

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